

# **EXHIBIT A**

1  
2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE DISTRICT OF WYOMING

4 WILLIAM JEROME RUTH, individually,  
5 and as Wrongful Death Representative  
6 of the ESTATE OF CYNTHIA SHOOK RUTH,  
7  
8 Plaintiff,

9 V.

10 BEARTOOTH ELECTRIC COOPERATIVE, INC.,  
11 a Montana Corporation, and ASPLUNDH  
12 TREE EXPERT, LLC, a Limited Liability  
13 Company formed in Pennsylvania,

14 Defendants.  
15

16 DEPOSITION OF WILLIAM JEROME RUTH  
17 May 18, 2023  
18 8:30 a.m.  
19

20 PURSUANT TO THE UNITED STATES RULES OF FEDERAL  
21 PROCEDURE, this Deposition was:

22 TAKEN BY: Henry F. Bailey, Jr., Esq.  
23 Attorney for Defendant Beartooth  
24 Electric

25 REPORTED BY: Barbara Jean Morgenweck, RPR, CCR  
NCRA, RPR  
New Mexico CCR #526

1 APPEARANCES:

2

3 On behalf of the Plaintiff:

4

Kenneth E. Barker  
5 BARKER LAW FIRM, LLC  
10956 SD Highway 34  
6 Belle Fourche, South Dakota 57717  
605-723-8000  
7 Kbarker@barkerlawfirm.com

8

Robert Pahlke  
THE ROBERT PAHLKE LAW GROUP  
9 2425 Circle Drive, Suite 200  
Scottsbluff, NE 69361  
10 308-633-4444  
Rgp@pahlkelawgroup.com

11

Ian Keith Sandefer  
12 SANDEFER & WOOLSEY, TRIAL LAWYERS, LLC  
143 North Park Street  
13 Casper, WY 82601  
Phone: (307) 232-1977  
14 Ian@swtriallawyers.com

15

On behalf of Defendant Beartooth Electric  
16 Cooperative, Inc.:

17

Henry F. Bailey, Jr.  
18 BAILEY STOCK HARMON COTTAM LOPEZ, LLP  
6234 Yellowstone Road  
19 Cheyenne, Wyoming 82003  
Hank@performance-law.com  
20 Andy@performance-law.com

21

On behalf of Defendant Asplundh Tree Expert, LLC:

22

A. David Bona  
23 CARLSON CALLDINE & PETERSON, LLP  
One Post Street  
24 San Francisco, CA 82601  
Dbona@ccplaw.com

25

1 Cheyenne, looked there, and went to Casper and  
2 looked in there and then came to Cody and found  
3 a place that we settled on in Clark.

4 MR. BAILEY: Can't believe you passed up  
5 Cheyenne for Clark. That's just a joke.

6 THE WITNESS: I understand.

7 Q. So what year did you actually move to  
8 Clark? When did you start living there?

9 A. In 2008.

10 Q. Okay. When were you married? When were  
11 you and Cindy married?

12 A. In 1983, April 16th.

13 Q. And is it all right with you if I refer  
14 to her as Cindy?

15 A. Yes.

16 Q. Okay. I want to visit with you today  
17 about, you know, what's been referred to as the  
18 "Clark fire." That's the main purpose of my  
19 questions today.

20 You were on the Clark Fire Department,  
21 volunteer fire department, at the time of Clark  
22 fire; is that correct?

23 A. Yes.

24 Q. How long have you been on the volunteer  
25 fire department?



1     you?

2           A.       So, roughly, around 10:30, I was  
3     getting -- making ready for bed. Cindy was  
4     already in bed. And I was -- our light switches  
5     for the family room are on the west side of the  
6     house, and we have a glass door that looks right  
7     off the Line Creek and up into the mountains.

8                   And as I walked toward the door to turn  
9     the light switches off, I could see a glow and  
10    flickering west of my location, up along Line  
11    Creek, north of the creek. And that caused me  
12    to check my phone. I get fire pages across my  
13    phone.

14                   My phone shuts down at 8:00. It goes on  
15    the silent mode. And so the page didn't come  
16    through. It was registered to the phone, but it  
17    didn't come through as an audible sound.

18           Q.       Okay.

19           A.       And so when I checked the phone, I saw  
20    that there had been a page out for a fire on  
21    Louis L'Amour. And so I alerted Cindy there was  
22    a fire up on Louis L'Amour and that I was going  
23    to respond to it.

24           Q.       And you recall that you looked at your  
25    phone at -- it was around 10:30 that evening?

1 message and see who's responding and what they  
2 indicated their response time would be to the  
3 station or to the scene.

4 Q. As you sit it here today, do you recall  
5 the information that you received that night,  
6 what you were told?

7 A. What I recall is that there was a fire  
8 and that -- nothing more.

9 Q. Okay. Do you recall anything about  
10 where you were to go, the location or anything  
11 like that?

12 A. So to answer your question, I made ready  
13 to leave, got dressed. And I have a handheld  
14 radio, a two-way radio, that I keep in a charger  
15 at my house. I turned it on and could hear a  
16 little bit of the traffic, but I don't get  
17 reception at the house generally.

18 So -- but I do get reception at the  
19 mailboxes on 1AB at Crossfire Trail. So once I  
20 drove up to that location, I got information on  
21 what to do at that point. I inquired with Nate  
22 Hoffert, what he wanted me to do, and he  
23 instructed me to go to the station and bring a  
24 truck with me.

25 Q. Okay. So you had a radio?

1 A. Handheld.

2 Q. A handheld radio?

3 A. Two-way.

4 Q. You also had your cell phone with you?

5 A. Yes.

6 Q. Did you have anything else besides those  
7 two means of communications?

8 A. Not until I got to the station.

9 Q. Okay. When you spoke with Mr. Hoffert  
10 at the mailboxes and he told you to go get a  
11 truck, did he tell you which truck to get or did  
12 you know which one you were supposed to get?

13 A. I believe he instructed me specifically  
14 what truck to bring up.

15 Q. Okay.

16 A. But -- and I believe it was truck 83,  
17 but I'm not certain of that.

18 Q. Okay. What is truck 83, what kind of  
19 truck is that?

20 A. It's a modified pickup truck that has  
21 equipment in the bed of it for like brush fires  
22 and that sort.

23 Q. What kind of -- what vehicle did you  
24 drive to the mailboxes?

25 A. 83. I believe it was 83.

1 A. Or, well, wait a minute, 3500.

2 Q. 3500? Okay.

3 When you got to the fire station, what  
4 did you do?

5 A. I parked my vehicle, went into the fire  
6 station, which was open, and I put on my bunker  
7 gear, and I got in the truck, started it up, and  
8 drove it to the mailboxes --

9 Q. Okay.

10 A. -- at 1AB and Crossfire.

11 Q. Okay. Do you know about what time you  
12 got to the fire station?

13 A. No.

14 Q. How far is the fire station from your  
15 home?

16 A. Eight miles.

17 Q. Eight miles?

18 A. Roughly.

19 Q. Okay. Okay.

20 Tell me what you observed as you were  
21 driving from your home to the fire station in  
22 terms of what you saw of the fire, if anything?

23 A. Rephrase that.

24 Q. Well, as you were driving from your home  
25 to the fire station, did you observe any part of

1     didn't seem any different than earlier in the  
2     day.

3       Q.       Okay. So you're at the mailboxes with  
4     truck 83. Are you by yourself? I mean, did you  
5     have that truck by yourself?

6       A.       Yes.

7       Q.       Okay. Who did you meet at the  
8     mailboxes, if anyone?

9       A.       No one that I recognized.

10      Q.       Okay. Were you given an assignment when  
11     you reached the mailbox in truck 83?

12      A.       Yes.

13      Q.       What was that?

14      A.       To assist in communications with the  
15     field units and dispatch.

16      Q.       Okay. And describe what that means.

17      A.       I was going to be the relay person  
18     taking messages from trucks and crew that were  
19     already involved in fighting the fire, and  
20     relaying whatever information they had to radio  
21     dispatch in Cody because their -- we had limited  
22     coverage in that area, radio coverage.

23      Q.       Okay. Why was there limited radio  
24     coverage in that area? Is that typical or was  
25     that unusual for that night?

1           A.       Typical.

2           Q.       Okay. I understand that there was a  
3       repeater somewhere in the area that was blown  
4       down or damaged in some way that night and would  
5       have been effective communications.

6                   Are you aware of that?

7           A.       I heard about that later.

8           Q.       Okay. Do you have any idea whether that  
9       affected the ability to communicate that night?

10          A.       I was told that it did.

11          Q.       Okay. Did you notice anything unusual  
12       about your ability to communicate that night  
13       with the agencies that you were communicating  
14       with?

15          A.       Did I notice anything in particular?

16          Q.       Yeah. Anything out of the ordinary with  
17       your ability to communicate with people?

18          A.       No, not with the frequency of it.

19                   MR. SANDEFER: I just want to put an  
20       objection to as to time, anytime during the  
21       night.

22       BY MR. BAILEY:

23          Q.       Let's confine it to when you were first  
24       at the mailboxes and received your assignment.

25                   Early on in the evening, you didn't

1       A.       I did it on my own.

2       Q.       Okay. Where did you go after you left  
3 Teri's house?

4       A.       Went back to the mailboxes.

5       Q.       Okay. Continued the coordination of  
6 communications?

7       A.       Radio traffic.

8       Q.       Okay. When you went back to the  
9 mailboxes after you left Teri Cothorn's house,  
10 were there other people from the Clark Fire  
11 Department there with you that you recall?

12      A.       At some point I had a conversation with  
13 Nate Hoffert.

14      Q.       Tell me about that.

15      A.       Nate was in another fire truck and he  
16 had another fireman with him. I don't know who  
17 that was. But we had a open-window  
18 conversation, truck to truck. At some point  
19 between the time that I left Teri's house and  
20 when I met up with Nate, the rear window of my  
21 truck was blown out, the back window that faces  
22 the bed of the truck.

23      Q.       Do you know why that happened?

24      A.       Not exactly. I assumed that a rock hit  
25 it, an airborne rock.

1       A.       No.

2       Q.       Okay. So there's a call that she placed  
3 to you, and then according to your record, you  
4 placed a call to her at 11:54.

5               You're not sure if that's the precise  
6 time, but you do recall making a phone call to  
7 her on your cell phone that evening?

8       A.       Yes.

9       Q.       When was that call made in relationship  
10 to the conversation you had with Nate Hoffert at  
11 the mailboxes?

12      A.       Before.

13      Q.       Okay. And what did -- tell me about  
14 that conversation.

15      A.       It was very short and to the point. I  
16 told her that I -- and I -- excuse my language  
17 at this point -- I told her to get the fuck out.

18      Q.       Okay.

19      A.       And I don't use that word ever. And,  
20 you know, I wanted to drive a point home to her  
21 that she needed to leave immediately.

22      Q.       Okay. Was there some hesitation on her  
23 part to leaving?

24      A.       No.

25      Q.       Okay.



1 A. Not that I picked up on.

2 Q. Okay. And you hadn't had any other  
3 conversation with her before that?

4 A. No.

5 Q. Okay. Other than the one at home?

6 A. Correct.

7 Q. Okay. Did you give her any instructions  
8 about where to go when she left the home?

9 A. No.

10 Q. To come to the staging area or anything  
11 like that, just get out?

12 A. Just get out.

13 Q. Okay. When you had that conversation  
14 with her, where was the fire as far as you can  
15 recall?

16 A. It was on Hoot Owl Trail.

17 Q. Okay. And Hoot Owl Trail moving east?

18 A. Yes.

19 Q. Along Line Creek?

20 A. Yes.

21 Q. Okay. Then if we -- if we look back --  
22 stay on page 78, Mr. Ruth. We have a number  
23 of -- there are a number of calls that you  
24 placed to Cindy beginning at 11:54.

25 MR. BAILEY: If you go down two more

1           A.       Yes.

2           Q.       Okay. All right.

3                   MR. SANDEFER: If we're at a breaking  
4 point, we've been going about an hour, I might  
5 take a little break.

6                   MR. BAILEY: Absolutely. Absolutely.  
7 Yeah.

8                   (A recess was taken from 9:34 a.m. until  
9 9:49 a.m.)

10                  (Exhibit 112 was marked for  
11 identification.)

12 BY MR. BAILEY:

13       Q.       Mr. Ruth, I'm handing you what's been  
14 marked Exhibit 112. And I gave you a copy. And  
15 this is not a document that you had anything to  
16 do with preparing, I realize that.

17                  This is the Park County Sheriff's Office  
18 narrative of the Clark fire. And I just want to  
19 clarify a couple of things.

20                  MR. BAILEY: If you'll turn to the  
21 second page of that document, Mr. Ruth, and we  
22 go down to the line that begins: "On Tuesday  
23 November 16, 2021, at approximately  
24 0-1600 hours, he received a voicemail."

25                  First of all, let me ask you this: Do

1 mailboxes, where he said he was going to go get  
2 Cindy?

3 A. Yes.

4 Q. Okay. Any idea how long after?

5 A. Can I make some clarifications here?

6 Q. Yes. Well --

7 MR. SANDEFER: If you need to say  
8 something to answer his question in context, go  
9 ahead, is my thought.

10 MR. BAILEY: Okay. Go ahead.

11 THE WITNESS: So restate your question,  
12 please.

13 BY MR. BAILEY:

14 Q. This time that you go to your -- with  
15 this fire department employee, you go to your  
16 wife's vehicle, you find your wife's vehicle.

17 A. So let's back up just a second.

18 Q. Sure.

19 A. I made two trips down there.

20 Q. Okay.

21 A. Okay? And this is where I want to  
22 clarify some things.

23 Q. Okay.

24 A. Okay? I made two trips. One initially  
25 to -- right after I saw Nate Hoffert drive down

1 Crossfire Trail, he did not go to where our  
2 driveway was.

3 At that time, I went and made contact  
4 with another fireman that I did not know, he was  
5 from another fire department. And I said to  
6 him, I said, I need to get down to get my wife  
7 out. And he agreed to go with me.

8 He drove his truck, I was a passenger.  
9 We went to Louis L'Amour Lane, which is on the  
10 north side of Line Creek, meaning we had to  
11 cross over the bridge on Line Creek, and we  
12 turned and went east down the driveway to where  
13 we found my wife's car parked, stopped in the  
14 middle of the driveway.

15 Q. Okay.

16 A. Can I continue?

17 Q. You can, absolutely, go ahead.

18 A. Okay. The car was occupied by three  
19 dogs. The rear hatch of the Subaru was open.  
20 There was a pillow that was on fire inside of  
21 the hatch. My wife was not around. But I  
22 tossed pillow aside, and we took the dogs. The  
23 firemen and I both took all three dogs out of  
24 the car, we placed them in the fire truck.

25 At that point we went down the driveway.

1       A.       And there was a bit of fire on the north  
2       side of the driveway as well. So with the dog  
3       secured in his truck, we went on foot to the  
4       house.

5       Q.       Okay. Did you walk all the way to the  
6       house?

7       A.       Yes.

8       Q.       Okay. Did you go in the house?

9       A.       Yes.

10      Q.       Okay. Again, you're searching for your  
11      wife?

12      A.       Yes.

13      Q.       Okay. How -- any idea how long it took  
14      for you to walk from the car to your house?

15      A.       I'm going to say it's roughly half a  
16      mile.

17      Q.       Okay.

18      A.       So not very long.

19      Q.       Okay. And then when you got to the  
20      house, what did you do?

21      A.       Well, the house was on fire.

22      Q.       Where was the house on fire?

23      A.       The house was on fire on the northwest  
24      corner.

25      Q.       By the garage?

1       A.       No, this would have been by the -- what  
2       we commonly call the front door.

3       Q.       Oh, okay, okay. What did you do?

4       A.       I grabbed the bucket and threw water on  
5       it. There was -- we have a hot tub, and I  
6       flipped the cover over and grabbed the bucket  
7       with water and threw water on it --

8       Q.       Okay.

9       A.       -- and put it out.

10      Q.       Okay. Then what did you do?

11      A.       Entered the house and the house was full  
12      of smoke. We did not locate my wife there.  
13      He -- I believe the other fireman checked my  
14      shop, which was still a wreck, but on fire at  
15      that point. And we reconnected and walked back  
16      to the car and to his truck, and he said, we  
17      need to get out of here.

18      Q.       Okay. So you drove back the way you  
19      came in?

20      A.       Yes.

21      Q.       Okay. And the reason you went with the  
22      fireman is after Nate Hoffert told you he was  
23      going to get Cindy, he didn't go in the  
24      direction to get Cindy?

25      A.       Correct.

1 the first one did you go down there again?

2 A. Minutes.

3 Q. Okay.

4 A. So -- so during the time that -- and I  
5 can't give you a pinpoint.

6 Q. Okay. That's fair enough.

7 A. I called a neighbor, Charley Jones, and  
8 he responded up to the mailboxes. And Charley  
9 lives just down the road a couple of miles, and  
10 he took charge of the dogs and took them to his  
11 house.

12 Q. Okay.

13 A. And once I got the dog settled --  
14 because Charley was already waiting up there  
15 when I showed up with the dogs.

16 Q. Waiting where?

17 A. At the mailboxes for me.

18 Q. Okay.

19 A. And he took the dogs with him, and then  
20 I made contact with the second crew of firemen.  
21 And there was three of them; there was a female  
22 and two males.

23 Q. Okay.

24 A. And we went back down there in a fire  
25 truck, a pickup truck.

1 Q. Okay.

2 A. And the car was still there.

3 Q. Okay.

4 A. At this time, it started to burn.

5 Q. The car had started to burn?

6 A. Yes.

7 Q. Okay.

8 A. The right rear tail light was on fire.

9 Q. Okay.

10 A. And I said something to them to the  
11 effect, should we try to get this car out of  
12 here? And they said, no, leave it.

13 Q. Okay.

14 A. And so we did a sweep.

15 Q. Where did -- so that you're in the fire  
16 truck --

17 A. Yes.

18 Q. -- with these three. Do you know the  
19 names of any of these three individuals?

20 A. No.

21 Q. Okay.

22 A. They were not people I'm used to working  
23 with.

24 Q. Okay. You're at the car, it's on fire,  
25 you ask them if you should get it out, they say



1       leave it.

2                   Where do you go from there?

3       A.       So we park the truck.

4       Q.       Okay.

5       A.       At the car.

6       Q.       Okay.

7       A.       And we get out on foot. And we're doing  
8 sweep. Now, we're spread out across my driveway  
9 on both sides.

10      Q.       Okay.

11      A.       And we're walking down toward the house.

12      Q.       Okay.

13      A.       And this time we did a more thorough  
14 search. I went into the house again. The house  
15 was still full of smoke. Our cats were still in  
16 the house. I don't remember seeing my horse.

17      Q.       Okay.

18      A.       We checked all the buildings. The -- at  
19 that time, the shop was on fire. The greenhouse  
20 was on fire. I grabbed a bucket of water again  
21 and tried to put the greenhouse out and was not  
22 successful. We circled around, got together. I  
23 said, let me take my truck out of here. And I  
24 did. And they -- the other firemen got in the  
25 four-wheeler, my side-by-side, and they drove

1     that out.

2       Q.       Okay.

3       A.       I got the truck stuck trying to go  
4     around the -- my wife's car.

5       Q.       Did you go on the north side of the  
6     road?

7       A.       South side.

8       Q.       South side?   The Line Creek side?

9       A.       Yes.

10      Q.       Okay.

11      A.       And so we left the truck there.   It was  
12     in the burn.   It was in the black, and I felt  
13     that it was safe there.   And I got it back in  
14     the pickup truck, and the other firemen drove  
15     the four-wheeler up to the mailboxes as we  
16     followed them up in the truck.

17      Q.       Okay.   But your truck got stuck on the  
18     south side of the road?

19      A.       Yeah, I left it there.

20      Q.       So the fire had already gone through  
21     that area?

22      A.       Yeah, that's what means "in the black."

23      Q.       Okay.   Okay.

24               When you were at -- when you were at the  
25     car the first time --

1 Q. Okay.

2 A. And he would not let me go back down.

3 Q. Okay. Mr. Ruth, are you at the mailbox  
4 when he says --

5 A. Yes.

6 Q. -- they may have, excuse me, they may  
7 have located Cindy?

8 A. Yes.

9 Q. And that was the sheriff's deputy?

10 A. Yes.

11 Q. Okay. At some point did somebody bring  
12 you Cindy's cell phone to identify?

13 A. Yes.

14 Q. Where were you when that happened?

15 A. I was sitting in Katrina Heyworth's (ph)  
16 departmental vehicle at the mailboxes.

17 Q. Okay. Okay. Do you have any idea of  
18 the timeframe from the time you were told by the  
19 sheriff's deputy they may have found Cindy's  
20 body to the time that they brought the cell  
21 phone to you? Are we talking half an hour or a  
22 few minutes longer? Do you have any idea of how  
23 long that span was?

24 A. Well, first of all, they didn't tell me  
25 they found her body.

1 Q. Okay. They just said they had located  
2 her?

3 A. May have located her.

4 Q. May have located her. Okay.

5 From the time they told you that to the  
6 time they brought you the cell phone, what?

7 A. Minutes.

8 Q. Minutes, okay.

9 A. Twenty minutes maybe. I don't know.

10 Q. Okay. Who brought the cell phone?

11 A. A sheriff's deputy.

12 Q. Okay. And it was Cindy's phone?

13 A. Yes.

14 Q. Okay. Tell me about that conversation.

15 MR. BAILEY: Do you need to take a  
16 minute, Mr. Ruth?

17 THE WITNESS: They came to the driver's  
18 door. I was sitting -- sitting in the driver's  
19 seat, and he said that -- something to the  
20 effect that, I need to know whether you can  
21 identify this phone. And he had it in a plastic  
22 zip bag that I could see through. And I told  
23 him it was Cindy's phone.

24 Q. Okay.

25 A. And it was burned. And it was scorched,

1 and so I could -- then I could tell it was her  
2 phone.

3 Q. Did he tell you at that time that they  
4 had found her body?

5 A. Yes.

6 Q. Okay. Did he ask you -- was there any  
7 point in time where they asked you to identify  
8 the body?

9 A. No.

10 Q. Okay.

11 A. They wouldn't let me go back down there.

12 Q. Okay. Is it -- so is it accurate to say  
13 that you did not see Cindy's body where it was  
14 located when she died?

15 A. No.

16 Q. That's correct?

17 A. Yes.

18 Q. Okay. Okay. Where -- where does -- you  
19 describe your driveway as -- is that Louis  
20 L'Amour Lane?

21 A. Yeah, I think it is.

22 Q. Okay. Is your -- is yours the last  
23 house on Louis L'Amour Lane?

24 A. It is.

25 Q. Okay. Where does Louis L'Amour Lane

1                   Do you recall those lines of  
2     questioning?

3       A.       Yeah.

4       Q.       Some of this work you're doing, you're  
5     on your own, right?

6       A.       Yes.

7       Q.       Is that to keep the costs down?

8       A.       Yes.

9       Q.       So would that be -- the true cost of  
10    hiring somebody to come in and do it would be  
11    much more than doing it yourself, right?

12      A.       Oh, much more, yes.

13      Q.       There was a question about whether you  
14    were permitted to walk down and see Cindy in the  
15    field.

16               Do you recall that question?

17      A.       Yes.

18      Q.       You weren't permitted to do that, right?

19      A.       No.

20      Q.       Can you tell for us where it was and  
21    when you first saw Cindy?

22      A.       I was at a neighbor's house, Charley and  
23    Kim's house, and the coroner came by to speak to  
24    me before he went into town after collecting her  
25    body.

1           And I went out to see her body, and she  
2   was in a body bag in the back of the hearse.  
3   The -- I got her anniversary ring and -- from  
4   the coroner, and I could see the form of her  
5   body was all contorted. The coroner and the --  
6   and his assistant, I know they were concerned  
7   that I would open the bag, but I couldn't -- I  
8   couldn't bear to see her that way. I couldn't  
9   believe she was gone.

10           I still can't sometimes. She was so  
11   alive. I just couldn't believe this whole thing  
12   was happening. It was such a fucking nightmare.  
13   And I had to call the kids and tell them there  
14   mom was gone. Oh, God. It -- we had so much to  
15   do, and it was just stolen from us. We had  
16   talked about dying together, but we were going  
17   to live to 120, and that date, that age kept  
18   getting pushed further and further out.

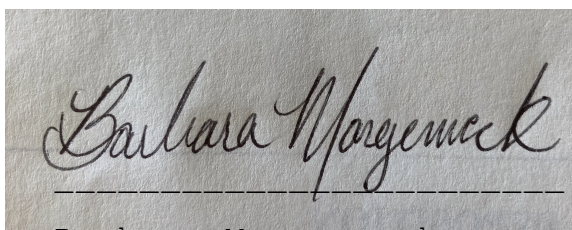
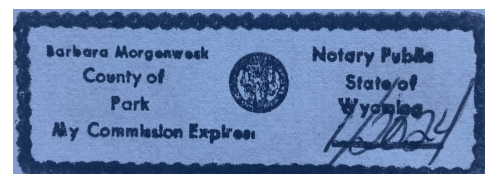
19           Oh, God. It was just -- you know, I  
20   have a memorial next to the driveway where she  
21   died. My daughter found the soles of her shoes  
22   there after the coroner removed her body, and it  
23   was very upsetting, but it kind of gave us an  
24   idea about where she was when the life was  
25   sucked out of her. And it's kind of a peaceful

## CERTIFICATE

I, Barbara Morgenweck, Registered Professional Reporter, and Certified Court Reporter, do hereby certify that prior to the commencement of the examination the Deponent was duly sworn by me to testify to the truth, the whole truth and nothing but the truth.

I DO FURTHER CERTIFY that the foregoing is a verbatim transcript of the testimony as taken stenographically by me at the time, place and on the date hereinbefore set forth, to the best of my ability.

I DO FURTHER CERTIFY that I am neither a relative nor employee nor attorney nor counsel of any of the parties to this action, and that I am neither a relative nor employee of such attorney or counsel, and that I am not financially interested in the action.

A handwritten signature in cursive script that reads "Barbara Morgenweck". The signature is written in dark ink on a light-colored, slightly textured background.

Barbara Morgenweck  
COURT REPORTER  
Registered Professional Reporter  
Certified Court Reporter NM # 526  
Notary Public